

STATE OF CALIFORNIA
OFFICE OF THE ADJUTANT GENERAL
9800 Goethe Road
P.O. Box 269101
Sacramento, California 95826-9101

CA ARNG Regulation
No. 600-21

7 May 1993

Personnel--General
EQUAL OPPORTUNITY (EO) PROGRAM
IN THE ARMY NATIONAL GUARD

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SUMMARY. This regulation implements and supplements NGR (AR) 600-21, and NGR (AR) 600-22, both dated 1 October 1992 and contains guidance for utilization by commanders of the California Army National Guard.

APPLICABILITY. This regulation applies to the California Army National Guard; technician or civilian supervisors of the CA ARNG; applicants for membership in the CA ARNG; recipients and beneficiaries of the services of the CA ARNG; and all soldiers and units of the CA ANG while serving on active duty for training, annual training, inactive duty training, and full-time support status.

SUGGESTED IMPROVEMENTS. The proponent of this regulation is the Equal Employment Officer, CAEO. Users are invited to send comments and suggested improvements directly to P.O. Box 269101, 9800 Goethe Road, Sacramento, California 95826-9101.

SUPPLEMENTATION. This regulation is prohibited without prior approval of Command and STARC staff components.

DISTRIBUTION. Distribution is made to all applicable Command and STARC staff proponents.

CHAPTER 1

GENERAL

1-1. **PURPOSE.** a. This regulation implements and supplements NGR 600-21 and NGR 600-22, both dated 1 October 1992 and contains guidance for utilization by commanders of the CA ARNG for additional administrative procedures of the equal opportunity (EO) program designed to meet the needs of the commanders at the State and Major Command Levels.

b. This headquarters has identified three areas essential to a unit's combat readiness. They are: equipment, personnel, and training. This plan addresses the "personnel" aspect of unit readiness. More specifically, Equal Opportunity program has been identified as "A KEY TO MISSION READINESS".

1-2. REFERENCES.

a. NGR (AR) 600-21, dated 1 October 1992, Equal Opportunity Program in The Army.

b. NGR (AR) 600-22, dated 1 October 1992, National Guard Military Discrimination Complainant System.

1-3. GENERAL. PHILOSOPHY AND POLICY.

a. The peacetime mission of the CA ARNG is to achieve the highest state of readiness. Recognizing this as our primary mission, commanders must consider the resources available for mission accomplishment. Since people are essential for mission accomplishment, "equality", as perceived by individual soldiers is as important as the rounds of ammunition for our weapons.

b. The EO program is designed to formulate, direct, and sustain a comprehensive effort that ensures fair treatment for all soldiers based solely on merit, fitness, and capability in support of readiness. Specifically, this effort is designed to provide equal opportunity for all CA ARNG personnel thereby contributing to mission accomplishment, cohesion, and readiness.

c. The EO program is the responsibility of the chain-of-command and should be continually emphasized as part of the Officer and NCO's evaluation for their involvement in correcting discriminatory and sexual harassment practices.

d. CAL ARNG Human Relations/Equal Opportunity Treatment (HR/EOT) activities are based on EO program management directives which are positive steps for processing EO complaints, providing education and training, the development and monitoring of the CA ARNG's major commands affirmative action program, and as a point of contact with each major command and the National Guard Bureau.

e. The ultimate objective of the CA ARNG Equal Opportunity program is to assimilate into the chain-of-command equal opportunity and affirmative action, the abolishment of identified discriminatory hiring and promotion practices, correct identified underrepresentation of minorities and females in the workforce, and provide equal opportunity and treatment to the Total Force.

1-4. **POLICY ON DISCRIMINATION/SEXUAL HARASSMENT/AFFIRMATIVE ACTION.** See Chapter 3 Dissemination of Information, paragraph 3-1(a).

CHAPTER 2

RESPONSIBILITIES OF KEY HUMAN RELATIONS/ EQUAL OPPORTUNITY OFFICIALS

2-1. CA ARNG STATE HUMAN RELATIONS/EQUAL OPPORTUNITY ADVISOR (HR/EO).

- a. Provides technical assistance to commanders, Human Relations Council, major subordinate commanders, and pertinent staff agencies on equal opportunity matters and training.
- b. Publishes and updates as required, the State CA ARNG Affirmative Action Plan and assesses the senior commands progress toward achieving Affirmative Action goals and milestones.
- c. EO Staff Assistance Visits (SAVs) will be conducted at designated elements of the command. Results of SAVs will be reported in writing to the affected commander(s) and the STARC Commander. Criteria for EO staff assistance visits will be based on requirements of NGR (AR) 600-21 and this regulation.
- d. Designates and implements an audit reporting system for the Equal Opportunity Program will include:
 - (1) Unit command inspections and EO staff assistance visits (SAVs).
 - (2) Briefings to senior commanders on progress of Equal Opportunity programs.

2-2. ASSIGNED CA ARNG STATE HR/EO STAFF OFFICERS. Officers are responsible for assisting in training, developing, implementing, and monitoring their units equal opportunity program. Staff responsibilities shall include, but not be limited to the following:

- a. Plan, manage, and supervise functions with respect to the CA ARNG equal opportunity program as follows:
 - (1) Advise and assist when appropriate, commanders, other staff members, and subordinate commanders on equal opportunity matters.
 - (2) Assist the State HR/EOA in the development, implementation, and administration of the CA ARNG EO program.
 - (3) Assist in developing and publishing the CA ARNG Affirmative Action Plan (AAP) from input received from other staff members and field units, and assess progress toward achieving affirmative action goals and milestones as established.
 - (4) Maintain a liaison with recruiters for Affirmative Action matters.
 - (5) Provide staff guidance to subordinate Equal Opportunity Advisors/Equal Opportunity Representatives (EOR) as needed.
- b. Arrange for or conduct human awareness training consistent with requirements.
- c. Ensure that personnel policies regarding equal opportunity matters are understood at all levels.

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d. Assist the chain-of-command, when appropriate, in arriving at solutions to discrimination and sexual harassment charges.

e. Will be the point of contact during equal opportunity staff assistance visits or unit command inspections.

2-3. **SENIOR COMMAND RESPONSIBILITIES.** a. Shall publish and maintain a written Affirmative Action Plan (AAP) as a supplement to NGR (AR) 600-21. The AAP furnished by this headquarters for each senior command meets the regulatory requirements and implements NGR 600-21. State HR/EOA office will provide annual updated statistics for each senior command. If senior commands develop their own affirmative action plan or has changes to the affirmative action plan provided by State HR/EOA office, it must be realistic, include objectives, required actions, and time-tables necessary to ensure program success. One copy of each plan will be forwarded to OTAG, ATTN: State HR/EOA Office.

b. Will appoint Equal Opportunity Advisors/Equal Opportunity Representatives for their command and provide to the State Human Relations/Equal Opportunity Advisor in writing the following:

(1) Name of EOA/EOR

(2) Grade

(3) Unit Assigned

(4) Office Symbol

(5) Phone Number

c. Establishes EO training time requirement for subordinate units (minimum four hours, once every four years).

d. Eliminates sex roles stereotyping from all media publications (i.e., photographs, cartoons, press releases).

e. Establish a Human Relations Council (HRC). Members will be composed of different ranks and have at least one representative from each brigade, battalion, company or detachment. The HRC will meet semiannually.

2-4. **COMMANDERS AT ALL LEVELS.** Commanders are responsible for the following:

a. Develop and implement affirmative action programs for his/her organization(s).

b. Identify discriminatory practices affecting soldiers and initiate corrective action and follow-up. Ensure prompt follow-up and appropriate action to resolve allegations of discrimination and sexual harassment.

c. Promote equal opportunity and interpersonal harmony for all military members.

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- d. Provide human awareness training on a continuing basis for military personnel consistent with requirements established by NGB, The Adjutant General, NGR 600-21, and this regulation.
- e. Monitor and assess the execution of the CA ARNG EO program and policies at all levels.
- f. Issues and posts a commander's equal employment policy statement supporting the CA ARNG EO program in his/her command.

2-5. PROCEDURES FOR PROCESSING DISCRIMINATION COMPLAINTS. Commanders at all levels are responsible for processing the following complaint procedures:

a. Complaints will be processed in accordance with NGR 600-22 and this regulation. Individuals are encourage to use the chain-of-command, EOA's or EOR's to resolve complaints informally. If an individual wants to file a formal complaint, that individual must fill out CA ARNG Discrimination Complaint Form (See Appendix C). The complaint will then be sent to OTAG, ATTN: State HR/EO Advisor, for processing in accordance with NGR 600-22.

b. The CA ARNG State HR/EO advisor will determine the lowest level command to initiated the process of the formal complaint procedures in accordance with NGR 600-22. The CA ARNG HR/EO advisor will also recommend to that commander the intermediate commanders (see Discrimination Complaint Flow Chart, Appendix B).

c. In addition the lowest level commander and intermediate commanders will complete all actions (if necessary) of the Complaint Processing Management Form (See Appendix D). This form will be kept at all times with the complaint file, and will be the file on top of the index file page.

2-6. MINIMUM HR/EO TRAINING REQUIREMENTS. a. Equal opportunity training shall meet National Guard Bureau and California Army National Guard requirements. Each member of the California Army National Guard will receive at a minimum two hours of Human Awareness and two hours of Sexual Harassment Prevention training every four years.

b. All newcomers to the CA ARNG should receive in their orientation briefing the TAG's policy on Discrimination/Sexual Harassment and Affirmative Action and current CA ARNG equal opportunity pamphlets.

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CHAPTER 3

DISSEMINATION OF INFORMATION

3-1. DISTRIBUTION OF INFORMATION. a. Each senior command will ensure all facilities and armories have posted The Adjutant General's policy statement on Affirmation Action and Discrimination/Sexual Harassment.

b. Each senior commander will ensure Equal Opportunity Treatment/Human Relations pamphlets are made available to each member of the CA ARNG by displaying them in a conspicuous place. Contact the CA ARNG State HR/EO Advisor at STARC for current pamphlets.

APPENDIX A

EXPLANATION OF TERMS

A-1. **AFFECTED CLASS.** Persons who, by virtue of past discrimination, continue to suffer "in the present".

A-2. **AFFIRMATIVE ACTION.** Positive actions by CA ARNG activities directed toward ensuring each uniformed member is afforded equal opportunity in the pursuit of a military profession to include rights, benefits, privileges, etc.

A-3. **AFFIRMATIVE ACTION PLAN (AAP).** A comprehensive management document which outlines and requires quantified goals, objectives and milestones designed to achieve affirmative action for military personnel.

A-4. **DISCRIMINATION.** Any act or failure to act that is based in whole or in part on a person's race, color, religion, gender, age, handicap, national origin, or retaliation and adversely affect privileges, benefits, dignity, or working conditions. Differential treatment in employment or conditions in the past or present based on race, color, religion, gender, age, handicap, national origin or retaliation also constitutes discrimination.

A-5. **DISCRIMINATION COMPLAINT.** A formal charge of discrimination based on race, color, religion, gender, sexual harassment, national origin, age, handicap, or retaliation.

A-6. **EDUCATION AND TRAINING.** Activities of the CA ARNG designed to eliminate prejudice and discrimination toward racial/ethnic minorities and women, promote harmony, and develop attitudes supportive of unit teamwork.

A-7. **EQUAL OPPORTUNITY (EO).** Consideration and treatment based upon merit, fitness, capability irrespective of race, color, religion, gender, or national origin, age, or handicap.

A-8. **ETHNIC GROUP.** A group of individuals distinguished from the general population, based upon actual or perceived cultural criteria (language, life style, religion, morals, and/or national origin).

A-9. **GOAL.** An objective based on realistic, measurable prospects of attainment. A goal is subject to revision and is differentiated from a quota in that mandatory attainment is not required.

A-10. **INSTITUTIONAL DISCRIMINATION.** The policies, practices, or procedures of an institution which results in unequal treatment usually associated with racial, religious, gender, economic, or social differences.

A-11. **MINORITY GROUP.** Any group distinguished from the general population in terms of race, religion, national origin, or gender. (While women are a majority in the general population, they are minority in the military services).

A-12. **PARITY.** Parity is the number or percentage representation of minorities and females in the California National Guard as compared to the number of percentage available within the California labor workforce.

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APPENDIX A (continued)

A-13. **PERSONAL RACISM OR SEXISM.** The acting out of prejudices by individuals against other individuals or groups because of race or gender.

A-14. **QUOTA.** A definite fixed number, proportion, or range, an upward limit, or ceiling which restricts upward mobility, or a downward limit, which requires not less than a certain number. The major characteristic of a quota is that it is a court-ordered requirement for mandatory attainment.

A-15. **UNDERREPRESENTATION.** The number or percentage of a target group within an occupational category which is below parity. Those grades, levels, and ranks, with larger underrepresentation will be those identified for focus of future recruiting efforts. Underrepresentation is used as a means of prioritizing our affirmative action efforts.

A-16. **UNDERUTILIZATION.** The number of soldiers, by ethnicity or gender, holding specific ranks, grades, or career levels in proportion to their availability to the total number of representation within the CA ARNG.

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APPENDIX B

APPLICANTS, BENEFICIARIES, AGR, AND PART-TIME MILITARY DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT PROCEDURE FLOW CHART FOR FORMAL COMPLAINTS ONLY

COMPLAINANT

A written complaint of discrimination must be filed not later than 180 days from the date of the alleged discrimination of the date that the individual became aware or reasonably should have become aware of the discriminatory event or action. The complaint will be filed with the Office of The Adjutant General, ATTN: State Human Relations/Equal Opportunity Advisor (HR/EOA). The State HR/EOA will refer the complaint to the lowest level of command for processing IAW NGR (AR) 600-22/NGR (AF) 30-3, Chapter 2, and CA ARNG 600-21, Chapter 2(6).

LOWEST LEVELS OF COMMAND

Will complete all required actions as prescribed in paragraph 2-6 of NGR (AR) 600-22/NGR (AF) 30-3, Chapter 2, and CA ARNG 600-21, Chapter 2(6), within 60 days. If the complaint is not resolved, or dismissed, or referred, it is then forward to the next level of command if the complainant desires to pursue the complaint.

INTERMEDIATE LEVEL OF COMMAND

Will complete all required actions IAW paragraph 2-7 of NGR (AR) 600-22/NGR (AF) 30-3, Chapter 2, and CA ARNG 600-21, Chapter 2(6), within 30 days after the receipt of the complaint from the subordinate command. If the complaint is not resolve, or dismissed, or referred, it is then forward to the next levels of command to The Adjutant General's level if the complainant desires to pursue the complaint.

THE ADJUTANT GENERAL

Should complete all investigations and actions IAW paragraph 2-8 of NGR (AR) 600-22 (AF) 30-3, Chapter 2, and CA ARNG 600-21, Chapter 2(6), within 90 days after the receipt from the subordinate command. If the complaint is not resolved, or dismissed, or referred, it is then forward to NGB for final decision within eight months of the formal filing, if the complainant desires to pursue the complaint.

NATIONAL GUARD BUREAU

Will review the case and provide a final decision. It is the goal of NGB to issue a final decision within one year of the complaint being filed formally.

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APPENDIX C

COMPLAINT OF DISCRIMINATION IN THE CALIFORNIA NATIONAL GUARD		EEO Office Use Only NGB Case Number T-	
<p align="center">Privacy Act Statement</p> <p>Authority: NGR (AR) 600-21, para 2-2(a), CA-ARNG 600-21</p> <p>Principal Purpose: Collect data essential for making determinations concerning alleged acts of discrimination.</p> <p>Routine use: Provide a uniform reporting system for CA-ARNG complaints.</p> <p>Disclosure is voluntary. Refusal to divulge information could affect efforts to substantiate allegations of discrimination, identify specific deficiencies or effectively program specific actions in support of equal opportunity policies and directives.</p> <p>Disclosure of SSN is voluntary.</p>			
READ INSTRUCTIONS ON BACK			
1. NAME OF COMPLAINANT: (Last, First, MI.)		2. DATE OF COMPLAINT	
3. HOME ADDRESS (INCLUDE ZIP CODE)		4. TELEPHONES:	
		BUSINESS	
		HOME	
5. ACTIVITY OR UNIT IN WHICH THE DISCRIMINATION TOOK PLACE:		6. ARE YOU PRESENTLY A:	
		PART TIME MILITARY MEMBER	
		APPLICANT FOR MEMBERSHIP	
		AGR TITLE 32	
7. LOCATION OF (IF DIFFERENT FROM 5 ABOVE)		8. RANK AND POSITON OF COMPLAINANT	
9. CHECK BELOW THE BASES (REASONS) FOR ALLEGED DISCRIMINATION:			
R RACE	G GENDER (NOT SEXUAL HARASSMENT)	A AGE	
C COLOR	S GENDER (SEXUAL HARASSMENT)	H HANDICAP	
L RELIGION	N NATIONAL ORIGIN	O OTHER	
10. DATE DISCRIMINATION TOOK PLACE		11. NAME AND TITLE OF PERSON YOU BELIEVED DISCRIMINATED:	
12. SPECIFIC ALLEGATIONS AND ISSUES (SEE BACK)			
13. DATES OF INFORMAL COUNSELING		14. NAME OF COUNSELOR	
15. WHAT CORRECTIVE ACTION DO YOU WANT TAKEN IN YOUR BEHALF ON YOUR COMPLAINT:			
16. NAME AND ADDRESS OF LEGAL REPRESENTATIVE (IF ANY):			
17. DATE RECEIVED BY COMMANDER (LOWEST LEVEL)		18. SIGNATURE OF COMPLAINANT	

CAL ARNG Form 600-21 Feb 93

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APPENDIX C (continued)

INSTRUCTIONS FOR CA ARNG FORM
(For additional information see NG (AR) 600-22)

Any part-time military member, AGR member, beneficiary, or applicant for membership of the California National Guard who believes that he or she has been discriminated against because of race, color, religion, gender (including sexual harassment), national origin, age, or physical or mental handicap, in an employment matter subject to the control of the California National Guard or the National Guard Bureau, may file an individual complaint of discrimination. Individuals who believe that they have been discriminated against are encouraged to discuss their complaints with and to seek assistance from their immediate supervisors, other members of their chain of command, their unit commander, and EOA or EOT staff.

The complaint must be filed within 180 calendar days of the date of the alleged discrimination or the date that the individual became aware or reasonably should have become aware of the discriminatory event or action. The complaint should be filed with the EOA or EOT staff or with the unit commander of the military member (if not the alleged discriminating official). The complainant may also file with any other commander in the chain of command, the Adjutant General, the National Guard Bureau, or Inspectors General's office. However, all complaints based on allegations of discrimination will be forwarded to the state HR/EOA office for processing and will be referred to the lowest level of command for action.

Additional instructions for specific blocks:

1-8 Self explanatory.

9. Only the reasons shown are the legal bases for individual discrimination complaints filed under NGR (AR) 600-22/NGR (AF) 30-3. Beneficiaries of services of the ARNG or ANG under Title VI of the Civil Rights Act may only file formal complaints based on race, color, or national origin (as provided for under that statute). Check the "Other" block only if you are alleging retaliation, reprisal, restraint, interference, or coercion in connection with the filing or processing of a discrimination complaint.

10-11. Self explanatory.

12. Each allegation (issue) must state a specific incident, to include dates, so that its scope is clear. Any allegations that are not specific or do not define acceptable issues will be returned for clarification or will be rejected. Also include the basis or bases on which you believe the alleged discrimination was predicated. If necessary you may use a separate sheet of paper.

13. Dates of any attempted informal resolution by EOT/EOA staff or personnel in the chain of command.

14. Name of individual who attempted resolution.

15. What you request from the commander to resolve or withdraw your complaint. You may not request for punitive action against the alleged discriminatory official.

16. There are no provisions for reimbursing legal representation or for payment of any legal fees.

17-18. Self explanatory

Type or fill out in black ink. Prepare one original, and one copy. Sent both the original copy and copy to the:

CALIFORNIA NATIONAL GUARD
State Human Relations/Equal Opportunity Advisor
9800 Goethe Road P.O. Box 269101
Sacramento, Ca. 95826-9101

Questions call HR/EOA Office at (916) 854-3355 DCTN 466-3355

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APPENDIX D

COMPLAINTS MANAGEMENT PROCESSING FORM (Type or complete in black ink)		
LOWEST LEVEL OF COMMAND		
After review of _____ discrimination complaint or reprisal actions as listed on CA ARNG Form 600-21, and processing it in accordance with NGR (AR) 600-22, paragraph 2-6, I have reached the following conclusions:		
1. If applicable check more than one box:		
<input type="checkbox"/> Discrimination confirmed	<input type="checkbox"/> Discrimination not confirmed	
<input type="checkbox"/> Reprisal confirmed	<input type="checkbox"/> Reprisal not confirmed	
<input type="checkbox"/> Dismissed	<input type="checkbox"/> Referred	<input type="checkbox"/> Complaint was withdrawn
<input type="checkbox"/> Resolved. No further processing required.		
2a. Does the complainant want to pursue the unresolved complaint to the next level of comand?		
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNDECIDED		
b. If yes, forward the case file to the next level of command as recommended by the State HR/EOA as soon as possible.		
c. If no, forward the case file to State HR/EOA as soon as possible.		
d. If undecided at this time, inform the complainant that he/she has 30 calendar days to inform the next level of command to pursue the complaint. Forward the case as stated in item 2b.		
e. If complaint was dismissed, referred, or withdrawn, forward to the Adjutant General's Office, attention: State HR/EOA.		
f. Was the complaint processed and completed within 60 days of being filed formally?		
<input type="checkbox"/> YES <input type="checkbox"/> NO		
I have reviewed the complaint and actions 2a.-2d. with the complainant.		
Signature _____		Date _____
This case was forwarded in accordance with items 2a-2d on: _____		
Date _____		
INTERMEDIATE LEVEL OF COMMAND		
After review of _____ discrimination complaint or reprisal actions as listed on CA ARNG Form 600-21, and processing it in accordance with NGR (AR) 600-22, paragraph 2-7, I have reached the following conclusions:		
3. If applicable check more than one box:		
<input type="checkbox"/> Discrimination confirmed	<input type="checkbox"/> Discrimination not confirmed	
<input type="checkbox"/> Reprisal confirmed	<input type="checkbox"/> Reprisal not confirmed	
<input type="checkbox"/> Dismissed	<input type="checkbox"/> Referred	<input type="checkbox"/> Complaint was withdrawn
<input type="checkbox"/> Resolved. No further processing required.		
4a. Does the complainant want to pursue the unresolved complaint to the next level of comand?		
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNDECIDED		
b. If yes, forward the case file as soon as possible to The Adjutant General's Office, attention: State HR/EOA.		
c. If no, same actions as stated in item 4b.		
d. If undecided at this time, inform the complainant that he/she has 30 calendar days to inform The Adjutant General's Office to pursue the complaint. Forward the case as stated in item 4b.		
e. If complaint was dismissed, referred, or withdrawn, forward to the Adjutant General's Office, attention: State HR/EOA.		
f. Was the complaint processed and completed within 30 days of being filed at the intermediate level of command?		
<input type="checkbox"/> YES <input type="checkbox"/> NO		

CAL ARNG Form 600-22 May 93

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APPENDIX D (continued)

I have reviewed the complaint and actions 4a.-4d. with the complainant.	
Signature	Date
This case was forwarded in accordance with items 4a-4d on: _____ Date	
THE ADJUTANT GENERAL LEVEL OF COMMAND	
After review of _____ discrimination complaint or reprisal actions as listed on CA ARNG Form 600-21, and processing it in accordance with NGR (AR) 600-22, paragraph 2-8, I have reached the following conclusions:	
5. If applicable check more than one box:	
<input type="checkbox"/> Discrimination confirmed	<input type="checkbox"/> Discrimination not confirmed
<input type="checkbox"/> Reprisal confirmed	<input type="checkbox"/> Reprisal not confirmed
<input type="checkbox"/> Dismissed	<input type="checkbox"/> Complaint was withdrawn
<input type="checkbox"/> Referred	
<input type="checkbox"/> Resolved. No further processing required.	
I have reviewed the complaint and actions with the complainant.	
Signature	Date
This case was forwarded in accordance with NGR-600-21: _____ Date	
REMARKS:	

CAL ARNG Form 600-22 (Reverse)

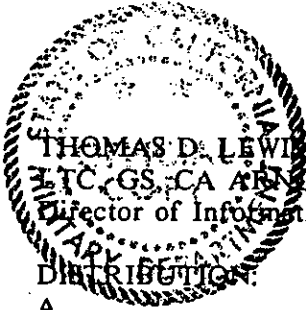
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(CAEO)

BY ORDER OF THE GOVERNOR:

OFFICIAL:



A

TANDY K. BOZEMAN
Major General
The Adjutant General